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9 Attorneys for Defendants
BNP PARIBAS and BNP PARIBAS
10 SECURITIES (ASIA) LIMITED

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 THOMAS WEISEL PARTNERS LLC, a Delaware
limited liability company, and THOMAS WEISEL
16 INTERNATIONAL PRIVATE LIMITED, an Indian
company,

17
18 Plaintiff,

19 vs.

20 BNP PARIBAS, a French corporation, BNP
PARIBAS SECURITIES (ASIA) LIMITED, a Hong
21 Kong company, and PRAVEEN CHAKRAVARTY,
an individual,

22
23 Defendants.

Case No. CV-07-06198 MHP

**DECLARATION OF JOSEPH E.
ADDIEGO III IN SUPPORT OF BNP
PARIBAS AND BNP PARIBAS
SECURITIES (ASIA) LTD.'S REPLY
BRIEF IN SUPPORT OF MOTION TO
DISMISS THE FIRST AMENDED
COMPLAINT**

DATE: August 18, 2008
TIME: 2:00 p.m.
PLACE: Courtroom 15, 18th Floor
Hon. Marilyn Hall Patel

24
25 **REDACTED**
26
27

DAVIS WRIGHT TREMAINE LLP

1 I, Joseph E. Addiego III, declare as follows:

2 1. I am an attorney at law duly licensed to practice before all of the Courts of the State
3 of California, and I am admitted to practice in the United States District Court, Northern District
4 of California.

5 2. I make this declaration in support of BNP Paribas and BNP Paribas Securities
6 (Asia) Limited's Reply Brief in Support of Its Motion to Dismiss Plaintiff's First Amended
7 Complaint, and if called upon as a witness, I could and would competently testify to the following.

8 3. Attached hereto as Exhibit 1 is a true and correct copy of Thomas Weisel Partners
9 LLC and Thomas Weisel International Private Limited's Responses to BNP Paribas's First Set of
10 Jurisdictional Interrogatories, dated April 23, 2008.

11 4. Attached hereto as Exhibit 2 is a true and correct copy of Thomas Weisel Partners
12 LLC and Thomas Weisel International Private Limited's Supplemental Responses to BNP
13 Paribas's First Set of Jurisdictional Interrogatories, dated July 25, 2008.

14 5. Attached hereto as Exhibit 3, and **filed under seal**, is a true and correct copy of a
15 document produced as part of Thomas Weisel Partners LLC and Thomas Weisel International
16 Private Limited's Response to BNP Paribas's Request for Production of Documents, dated April
17 23, 2008, bearing bates numbers TWPL00000016 through TWPL00000022, which was marked
18 "Confidential" by Plaintiffs pursuant to the Stipulated Protective Order.

19 I declare under penalty of perjury under the laws of the United States of America that the
20 foregoing is true and correct.

21 Executed on August 4, 2008 at San Francisco, California.

22
23 /s/
24 Joseph E. Addiego III

**Exhibit 1 to
Declaration of Joseph E. Addiego III
In Support of BNP Paribas and BNP Paribas Securities (ASIA)LED'S Reply
Brief In Support of Motion to Dismiss the First Amended Complaint**

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THOMAS WEISEL PARTNERS LLC and
9 THOMAS WEISEL INTERNATIONAL
PRIVATE LIMITED
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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

HOWARD
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NEMEROVSKI
CANADY
FALK
& RABKIN
A Professional Corporation

15 THOMAS WEISEL PARTNERS LLC, a
Delaware limited liability company, and
16 THOMAS WEISEL INTERNATIONAL
PRIVATE LIMITED, an Indian company,
17

18 Plaintiffs,

19 v.

20 BNP PARIBAS, a French corporation, BNP
PARIBAS SECURITIES (ASIA) LIMITED,
a Hong Kong company, and PRAVEEN
21 CHAKRAVARTY, an individual,
22

23 Defendants.
24

No. C-07-6198 MHP

Action Filed: December 6, 2007

PLAINTIFFS THOMAS WEISEL
PARTNERS LLC and THOMAS
WEISEL INTERNATIONAL PRIVATE
LIMITED'S RESPONSES TO
DEFENDANT BNP PARIBAS'S FIRST
SET OF JURISDICTIONAL
25 INTERROGATORIES
26

27 PROPOUNDING PARTY: Defendant BNP PARIBAS

28 RESPONDING PARTY: Plaintiffs THOMAS WEISEL PARTNERS LLC and
THOMAS WEISEL INTERNATIONAL PRIVATE
LIMITED

SET NUMBER: ONE

1 Plaintiffs Thomas Weisel Partners LLC ("TWP LLC") and Thomas Weisel
 2 International Private Limited ("TWIPL") (collectively "TWP") hereby respond to Defendant
 3 BNP Paribas's First Set of Jurisdictional Interrogatories in accordance with Federal Rule of
 4 Civil Procedure 33 and the Local Rules of the District Court for the Northern District of
 5 California.

6 7 **GENERAL OBJECTIONS**

8 TWP responds to each of BNP Paribas's Interrogatories subject to the following
 9 general objections, which are incorporated by reference in response to each Interrogatory.

10 1. TWP objects to the Interrogatories to the extent they seek the disclosure of any
 11 information that is privileged or protected for any reason including, without limitation,
 12 information protected by the attorney-client privilege, the work product doctrine, or any
 13 other applicable privilege or protection.

14 2. TWP objects to the Interrogatories to the extent they seek information that is
 15 proprietary or confidential in nature or would otherwise subject Plaintiffs to hardship and
 16 undue burden within the meaning of Federal Rule of Civil Procedure 26(c) if such
 17 information were to be provided to BNP Paribas or publicly disclosed in the record.

18 3. TWP objects to the Interrogatories to the extent they seek information that can
 19 be obtained from other sources or in other manners by BNP Paribas without undue burden to
 20 Plaintiffs.

21 22 **OBJECTIONS TO "DEFINITIONS AND INSTRUCTIONS"**

23 TWP responds to each of BNP Paribas's Interrogatories subject to the following
 24 objections to BNP Paribas's "Definitions and Instructions," which are incorporated by
 25 reference in response to each specific Interrogatory.

26 1. TWP objects to each of BNP Paribas's "Definitions" and "Instructions" to the
 27 extent they purport to impose obligations that exceed the requirements of the Federal Rules
 28 of Civil Procedure.

1 2. TWP objects to BNP Paribas's definitions of "TW India"—*i.e.* TWIPL—and
 2 "TW Partners"—*i.e.* TWP LLC—to the extent those definitions include "predecessors,
 3 successors, parents, subsidiaries, officers, directors and agents." TWIPL is a subsidiary of
 4 TWP LLC, so the definitions essentially conflate the two entities into one. For purposes of
 5 these responses, TWIPL will mean Thomas Weisel International Private Limited, its
 6 predecessors, successors, officers and directors, and TWP LLC will mean Thomas Weisel
 7 Partners LLC, its predecessors, successors, officers and directors.

8 3. TWP objects to BNP Paribas's definition of the term "Discovery Research" as
 9 "the equity research service that TW India operated in Mumbai, India." Discovery Research
 10 was integrated operationally with TWP LLC's research arm, and many aspects of its
 11 operations were conducted in the United States, including in San Francisco, California.
 12 Thus it is incorrect to say that TW India—*i.e.* TWIPL—operated Discovery Research in
 13 Mumbai, India, at least to the extent that implies that TW India was the exclusive operator of
 14 Discovery Research.

15 4. By responding specifically to BNP Paribas's Interrogatories, TWP does not
 16 concede their relevance or materiality. TWP's response to any particular Interrogatory is
 17 made expressly subject to, and without in any way waiving or intending to waive, any
 18 objections as to the competency, relevancy, materiality, privilege, or admissibility of any
 19 information contained therein.

20 5. TWP has not completed its investigation, collection of information, discovery,
 21 and analysis relating to this litigation. The following responses are based on the information
 22 known and available to TWP at this time. TWP reserves the right to modify, alter, change,
 23 or supplement its responses and to produce additional evidence at trial, whether consistent or
 24 inconsistent with these responses, to the extent permitted by applicable law.

HOWARD
 RICE
 NEMEROVSKI
 CANADY
 FALK
 & RABKIN
 Attorneys at Law

1 **RESPONSES TO INTERROGATORIES**

2 **INTERROGATORY NO. 1:**

3 Identify any former employees of Discovery Research who are at issue in this lawsuit
4 and who were United States citizens and/or residents of California when they worked for
5 Discovery Research.

6 **RESPONSE TO INTERROGATORY NO. 1:**

7 Subject to and without waiving its general objections, TWP responds as follows:

8 None.

9 **INTERROGATORY NO. 2:**

10 Describe and identify all the legal, regulatory, and tax reasons why an Indian company,
11 rather than TW Partners, operated Discovery Research.

12 **RESPONSE TO INTERROGATORY NO. 2:**

13 In addition to its general objections, TWP also objects to this interrogatory as beyond
14 the scope of the issues raised by the BNP Paribas Defendants' Jurisdiction Motion,
15 overbroad, and impinging on the attorney-client privilege. TWP further objects that this
16 interrogatory seeks confidential information about its business strategies. Finally, TWP
17 objects to this interrogatory's use of the term "operate" to the extent it suggests that TWIPL,
18 but not TWP LLC, operated Discovery Research. Subject to and without waiving these
19 objections, TWP responds as follows:

20 Discovery Research produced research for TWP LLC which was distributed by TWP
21 LLC. TWIPL was compensated by TWP LLC for Discovery Research's services pursuant
22 to an Intercompany Services Agreement. Because Discovery Research produced research
23 for distribution by TWP LLC, the Mumbai office of TWIPL where the Discovery Research
24 team was based was registered as a branch of TWP LLC with the NYSE, and many team
25 members were registered with regulatory and self-regulatory organizations in the United
26 States as associated persons of TWP LLC.

27 TWIPL maintains a separate legal existence because, when TWP was developing its
28 Discovery Research supply business, its legal advisors advised it to create an entity

incorporated under Indian law for that purpose.

INTERROGATORY NO. 3:

Identify each of the former Discovery Research employees at issue in this lawsuit who at the time they were employees of Discovery Research held registrations or licenses issued by any regulatory or self-regulatory body in India or in any other jurisdiction, including the employee's name and title, each regulatory authority with which the employee is registered, and the applicable registration categories.

RESPONSE TO INTERROGATORY NO. 3:

Subject to and without waiving its general objections, TWP responds as follows:

To the best of TWP's knowledge and belief, any registered Discovery Research team members at issue in this lawsuit held registrations or licenses issued only by regulatory or self-regulatory bodies in the United States. The Discovery Research team members at issue in this lawsuit who held licenses or registrations issued by United States-based regulatory or self-regulatory bodies are shown in the chart below. (For the purposes of this response, "AMEX" means the American Stock Exchange, "ARCA" means the NYSE Arca online securities exchange, "FINRA" means the Financial Industry Regulatory Authority, "NQX" means the NASDAQ Stock Exchange, "NYSE" means the New York Stock Exchange, "CA" means California, "MA" means Massachusetts, "NY" means New York, "GS" means General Securities Representative, "RS" means Research Analyst, "GP" means General Securities Principal, "RP" means Research Principal and "AG" means Broker-Dealer Agent.)

Name	Title	Regulatory Authority and Registration Categories
Shashank Abhisheik	Research Associate	AMEX (GS), ARCA (GS), FINRA (GS), NQX (GS), NYSE (GS), CA (AG), MA (AG), NY (AG)
Abhishek Battacharya	Research Associate	AMEX (GS), ARCA (GS), FINRA (GS), NQX (GS), NYSE (GS), CA (AG), MA (AG), NY (AG)
Praveen Chakravarty	Director	AMEX (GS), ARCA (GS), FINRA (GP, GS, RP, RS), NQX (GS), NYSE (GS, RS), CA (AG), MA (AG), NY (AG)
Joseph George	Research Analyst	AMEX (GS), ARCA (GS), FINRA (GS,

1	(Chiriyankandath)		RS), NOX (GS), NYSE (GS, RS), CA (AG), MA (AG), NY (AG)
2	Preeti Dubey	Research Analyst	AMEX (GS), ARCA (GS), FINRA (GS, RS), NOX (GS), NYSE (GS, RS), CA (AG), MA (AG), NY (AG)
3	Abhiram Eleswarapu	Research Analyst	AMEX (GS), ARCA (GS), FINRA (GS, RS), NOX (GS), NYSE (GS, RS), CA (AG), MA (AG), NY (AG)
4	Lakshminarayana Ganti	Research Analyst	AMEX (GS), ARCA (GS), FINRA (GS, RS), NOX (GS), NYSE (GS, RS), CA (AG), MA (AG), NY (AG)
5	Sandeep Mathew	Research Analyst	AMEX (GS), ARCA (GS), FINRA (GS, RS), NOX (GS), NYSE (GS, RS), CA (AG), MA (AG), NY (AG)
6	Girish Nair	Research Analyst	AMEX (GS), ARCA (GS), FINRA (GS, RS), NOX (GS), NYSE (GS, RS), CA (AG), MA (AG), NY (AG)
7	Sameer Naringrekar	Research Analyst	AMEX (GS), ARCA (GS), FINRA (GS, RS), NOX (GS), NYSE (GS, RS), CA (AG), MA (AG), NY (AG)
8	Vijay Sarathi	Research Analyst	AMEX (GS), ARCA (GS), FINRA (GS, RS), NOX (GS), NYSE (GS, RS), CA (AG), MA (AG), NY (AG)
9	Amit Shah	Research Analyst	AMEX (GS), ARCA (GS), FINRA (GS, RS), NOX (GS), NYSE (GS, RS), CA (AG), MA (AG), NY (AG)
10	Vishal Sharma	Research Analyst	AMEX (GS), ARCA (GS), FINRA (GS, RS), NOX (GS), NYSE (GS, RS), CA (AG), MA (AG), NY (AG)
11	Sriram Somayajula	Research Associate	AMEX (GS), ARCA (GS), FINRA (GS, RS), NOX (GS), NYSE (GS), CA (AG), MA (AG), NY (AG)
12	Kunal Vora	Research Associate	AMEX (GS), ARCA (GS), FINRA (GS, RS), NOX (GS), NYSE (GS), CA (AG), MA (AG), NY (AG)

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NEWMAN, LEONARD
CANADY
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& RABKIN
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INTERROGATORY NO. 4:

Identify the entity that employs or employed the Discovery Research employees and the location of that entity.

RESPONSE TO INTERROGATORY NO. 4:

In addition to its general objections, TWP objects that this interrogatory's use of the terms "entity" and "location of that entity " misapprehends the structure of Discovery Research. Subject to and without waiving these objections, TWP responds as follows:

Discovery Research was part of TWIPL, an Indian corporate entity based in Mumbai.

1 It also operated as a branch brokerage office of TWP LLC, a limited liability company
 2 organized under the laws of Delaware with headquarters and principal operations in San
 3 Francisco. As such, Discovery Research produced research for distribution by TWP LLC
 4 and was integrated into TWP LLC's operations.

5 The Discovery Research team members who are the subject of this lawsuit were
 6 directly employed by TWIPL in Mumbai but were registered with U.S.-based regulatory and
 7 self-regulatory organizations as associated persons of TWP LLC, an entity with its
 8 headquarters in San Francisco.

9 Praveen Chakravarty was employed by TWP LLC, an entity with its headquarters in
 10 San Francisco.

11 **INTERROGATORY NO. 5:**

12 Identify the direct reports of the employees of Discovery Research (*i.e.*, the persons to
 13 whom the persons reported directly), including the name, title, location, and employer of
 14 each such direct report.

15 **RESPONSE TO INTERROGATORY NO. 5:**

16 Subject to and without waiving its general objections, TWP responds as follows:

17 Shashank Abhisheik, Abhishek Bhattacharya, Alok Despande, Preeti Dubey, Abhiram
 18 Elaswarapu, Joseph George, Karan Gupta, Manish Gupta, Lakshminarayana Ganti, Sandeep
 19 Mathew, Sameer Naaringrekar, Girish Nair, Vijay Sarathi, Vishal Sharma, Amit Shah,
 20 Roshan Shetty, Avinash Singh, Charanjit Singh, Sriram Somayajula, Bijal Thakkar and
 21 Kunal Vora all reported directly to Praveen Chakravarty, Director of Discovery Research,
 22 who was located in Mumbai and was employed by TWP LLC. Vijay Sarathi and Bijal
 23 Thakkar also reported directly to KV Dhillon, Managing Director of TWIPL, who had
 24 offices in both Mumbai and San Francisco and is employed by Thomas Weisel Partners
 25 Group, Inc.

26 Praveen Chakarvarty reported directly both to KV Dhillon and to TWP LLC's Director
 27 of Research, a position held in the relevant time period first by Steve Buell and then by
 28 Keith Gay, both based in San Francisco.

1 **INTERROGATORY NO. 6:**

2 Describe the legal, regulatory, or other reasons why the employees of Discovery
3 Research were required to be employed by an Indian company and/or were required to report
4 to an Indian company.

5 **RESPONSE TO INTERROGATORY NO. 6:**

6 In addition to its general objections, TWP also objects to this interrogatory as beyond
7 the scope of the issues raised by the BNP Paribas Defendants' Jurisdiction Motion,
8 overbroad, and impinging on the attorney-client privilege. TWP further objects that this
9 interrogatory assumes facts and is vague. The interrogatory incorrectly assumes that
10 Discovery Research employees were "required to be employed" or were exclusively
11 "employed" by TWIPL, and is incorrect and/or unintelligible to the extent it asks why those
12 employees were "required to report" to TWIPL. Subject to and without waiving these
13 objections, TWP responds as follows:

14 TWP is not aware of any "requirement" that Discovery Research employees be
15 employed by an Indian company or report to an Indian company. Once a decision was made
16 to organize TWP's Indian operations as an Indian Corporation (*see* Response No. 2), it was
17 logical for that corporation—TWIPL—to employ members of the Discovery Research team
18 (many of whom also were registered with U.S.-based regulatory and self-regulatory
19 organizations as associated persons of TWP LLC).

20 **INTERROGATORY NO. 7:**

21 Identify the entity that pays or paid any payroll taxes on behalf of the employees of
22 Discovery Research.

23 **RESPONSE TO INTERROGATORY NO. 7:**

24 Subject to and without waiving its general objections, TWP responds as follows:

25 TWIPL paid the payroll taxes imposed in India for Discovery Research team members
26 out of TWIPL bank accounts which were funded in turn by TWP LLC pursuant to the
27 Intercompany Services Agreement.

28 Praveen Chakravarty also was taxed on a portion of his wages paid in the United

1 States, and those U.S.-imposed payroll taxes were paid by TWP LLC.

2 **INTERROGATORY NO. 8:**

3 Identify the entity that pays or paid any wages and salaries to the employees of
4 Discovery Research.

5 **RESPONSE TO INTERROGATORY NO. 8:**

6 TWIPL paid the wages and salaries for Discovery Research team members out of
7 TWIPL bank accounts which were funded in turn by TWP LLC pursuant to the
8 Intercompany Services Agreement.

9 A portion of Praveen Chakravarty's wages were paid in the United States by TWP
10 LLC.

11 **INTERROGATORY NO. 9:**

12 Does TW India continue to exist as a going concern in India?

13 **RESPONSE TO INTERROGATORY NO. 9:**

14 In addition to its general objections, TWP objects to this interrogatory as beyond the
15 scope of the issues raised by the BNP Paribas Defendants' Jurisdiction Motion. Subject to
16 these objections, TWP responds as follows:

17 Yes.

19 DATED: April 23, 2008.

GILBERT R. SEROTA
MARK A. SHEFT
MICHAEL L. GALLO
HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
A Professional Corporation

By: 

MICHAEL L. GALLO

Attorneys for Plaintiffs THOMAS WEISEL
PARTNERS LLC and THOMAS WEISEL
INTERNATIONAL PRIVATE LIMITED

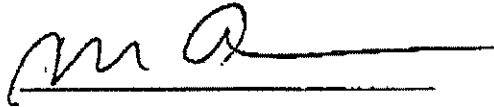
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VERIFICATION

I, John Colombo, declare:

I am Associate General Counsel for Thomas Weisel Partners LLC. ("TWP LLC"), Plaintiff in this action. I am authorized to make this verification on behalf of TWP LLC. I have read TWP LLC's Responses to Defendant BNP Paribas's First Set of Jurisdictional Interrogatories, and I know of its contents. I am informed and believe that the matters stated therein are true and on that ground declare under penalty of perjury under the laws of the State of California that the same are true and correct to the best of my knowledge.

Executed this 23rd day of April 2008 at New York, New York.



HOWARD
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NEMETZKY
CANADY
BARK
GRASBUN
a Professional Corporation

**Exhibit 2 to
Declaration of Joseph E. Addiego III
In Support of BNP Paribas and BNP Paribas Securities (ASIA)LED'S Reply
Brief In Support of Motion to Dismiss the First Amended Complaint**

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Attorneys for Plaintiffs
 THOMAS WEISEL PARTNERS LLC and
 THOMAS WEISEL INTERNATIONAL
 PRIVATE LIMITED

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

HOWARD
 RICE
 NEMEROVSKI
 CANADY
 FALK
 & RABKIN

THOMAS WEISEL PARTNERS LLC, a
 Delaware limited liability company, and
 THOMAS WEISEL INTERNATIONAL
 PRIVATE LIMITED, an Indian company,

Plaintiffs,

v.

BNP PARIBAS, a French corporation, BNP
 PARIBAS SECURITIES (ASIA) LIMITED,
 a Hong Kong company, and PRAVEEN
 CHAKRAVARTY, an individual,

Defendants.

No. C-07-6198 MHP

Action Filed: December 6, 2007

PLAINTIFFS THOMAS WEISEL
 PARTNERS LLC and THOMAS
 WEISEL INTERNATIONAL PRIVATE
 LIMITED'S SUPPLEMENTAL
 RESPONSES TO DEFENDANT BNP
 PARIBAS'S FIRST SET OF
 JURISDICTIONAL
 INTERROGATORIES

PROPOUNDING PARTY: Defendant BNP PARIBAS

RESPONDING PARTY: Plaintiffs THOMAS WEISEL PARTNERS LLC and
 THOMAS WEISEL INTERNATIONAL PRIVATE
 LIMITED

SET NUMBER: ONE

1 Plaintiffs Thomas Weisel Partners LLC ("TWP LLC") and Thomas Weisel
2 International Private Limited ("TWIPL") (collectively "TWP") hereby supplement their
3 previously filed responses to Defendant BNP Paribas's First Set of Jurisdictional
4 Interrogatories.

5 6 GENERAL OBJECTIONS

7 TWP responds to each of BNP Paribas's Interrogatories subject to the following
8 general objections, which are incorporated by reference in response to each Interrogatory.

9 1. TWP objects to the Interrogatories to the extent they seek the disclosure of any
10 information that is privileged or protected for any reason including, without limitation,
11 information protected by the attorney-client privilege, the work product doctrine, or any
12 other applicable privilege or protection.

13 2. TWP objects to the Interrogatories to the extent they seek information that is
14 proprietary or confidential in nature or would otherwise subject Plaintiffs to hardship and
15 undue burden within the meaning of Federal Rule of Civil Procedure 26(c) if such
16 information were to be provided to BNP Paribas or publicly disclosed in the record.

17 3. TWP objects to the Interrogatories to the extent they seek information that can
18 be obtained from other sources or in other manners by BNP Paribas without undue burden to
19 Plaintiffs.

20 21 OBJECTIONS TO "DEFINITIONS AND INSTRUCTIONS"

22 TWP responds to each of BNP Paribas's Interrogatories subject to the following
23 objections to BNP Paribas's "Definitions and Instructions," which are incorporated by
24 reference in response to each specific Interrogatory.

25 1. TWP objects to each of BNP Paribas's "Definitions" and "Instructions" to the
26 extent they purport to impose obligations that exceed the requirements of the Federal Rules
27 of Civil Procedure.

1 2. TWP objects to BNP Paribas's definitions of "TW India"—*i.e.* TWIPL—and
2 "TW Partners"—*i.e.* TWP LLC—to the extent those definitions include "predecessors,
3 successors, parents, subsidiaries, officers, directors and agents." TWIPL is a subsidiary of
4 TWP LLC, so the definitions essentially conflate the two entities into one. For purposes of
5 these responses, TWIPL will mean Thomas Weisel International Private Limited, its
6 predecessors, successors, officers and directors, and TWP LLC will mean Thomas Weisel
7 Partners LLC, its predecessors, successors, officers and directors.

8 3. TWP objects to BNP Paribas's definition of the term "Discovery Research" as
9 "the equity research service that TW India operated in Mumbai, India." Discovery Research
10 was integrated operationally with TWP LLC's research arm, and many aspects of its
11 operations were conducted in the United States, including in San Francisco, California.
12 Thus it is incorrect to say that TW India—*i.e.* TWIPL—operated Discovery Research in
13 Mumbai, India, at least to the extent that implies that TW India was the exclusive operator of
14 Discovery Research.

15 4. By responding specifically to BNP Paribas's Interrogatories, TWP does not
16 concede their relevance or materiality. TWP's response to any particular Interrogatory is
17 made expressly subject to, and without in any way waiving or intending to waive, any
18 objections as to the competency, relevancy, materiality, privilege, or admissibility of any
19 information contained therein.

20 5. TWP has not completed its investigation, collection of information, discovery,
21 and analysis relating to this litigation. The following responses are based on the information
22 known and available to TWP at this time. TWP reserves the right to modify, alter, change,
23 or supplement its responses and to produce additional evidence at trial, whether consistent or
24 inconsistent with these responses, to the extent permitted by applicable law.

HOWARD
RICE
EMERSON
CANADY
FAIR
& RABIN

1 **SUPPLEMENTAL RESPONSES TO INTERROGATORIES**

2 **INTERROGATORY NO. 6:**

3 Describe the legal, regulatory, or other reasons why the employees of Discovery
4 Research were required to be employed by an Indian company and/or were required to report
5 to an Indian company.

6 **RESPONSE TO INTERROGATORY NO. 6:**

7 In addition to its general objections, TWP also objects to this interrogatory as beyond
8 the scope of the issues raised by the BNP Paribas Defendants' Jurisdiction Motion,
9 overbroad, and impinging on the attorney-client privilege. TWP further objects that this
10 interrogatory assumes facts and is vague. Subject to and without waiving these objections,
11 TWP responds as follows:

12 When TWP was developing its Discovery Research supply business, its legal advisors
13 advised that it was necessary to create an entity incorporated under Indian law in order to
14 employ Indian nationals to do work in India.

15 **INTERROGATORY NO. 7:**

16 Identify the entity that pays or paid any payroll taxes on behalf of the employees of
17 Discovery Research.

18 **RESPONSE TO INTERROGATORY NO. 7:**

19 Subject to and without waiving its general objections, TWP responds as follows:

20 TWIPL paid the payroll taxes imposed in India for Discovery Research team members
21 out of TWIPL bank accounts that were funded in turn by TWP LLC pursuant to the
22 Intercompany Services Agreement.

HOWARD
RICE
EMEROVSKI
CANADY
FALK
GRABIN

1
2
3 DATED: July 25, 2008.

GILBERT R. SEROTA
MARK A. SHEFT
MICHAEL L. GALLO
HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
A Professional Corporation

6
7 By: 

MICHAEL L. GALLO

8 Attorneys for Plaintiffs THOMAS WEISEL
9 PARTNERS LLC and THOMAS WEISEL
INTERNATIONAL PRIVATE LIMITED
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13 HOWARD
14 RICE
NEMEROVSKI
CANADY
FALK
& RABKIN
A Professional Corporation
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VERIFICATION

I, Karanveer Dhillon, declare:

I am the Managing Director of Thomas Weisel International Private Limited ("TWIPL"), and a Senior Partner of Thomas Weisel Partners Group, Inc. I am authorized to make this verification on behalf of TWIPL and Thomas Weisel Partners LLC. I have read Thomas Weisel Partners LLC and Thomas Weisel International Private Limited's Supplemental Responses to Defendant BNP Paribas's First Set of Jurisdictional Interrogatories, and I know of its contents. I am informed and believe that the matters stated therein are true and on that ground declare under penalty of perjury under the laws of the United States of America that the same are true and correct to the best of my knowledge.

Executed this 21 day of July 2008 at Mumbai, India

K. Dhillon

DEWARD
RICE
NEAMIRANSKI
CANADY
TALK
B. KAGGIN

1 **PROOF OF SERVICE**

2 I, Bonnie Hastings, declare:

3 I am a resident of the State of California and over the age of eighteen years and not a
 4 party to the within-entitled action; my business address is Three Embarcadero Center,
 5 Seventh Floor, San Francisco, California 94111-4024. On July 25, 2008, I served the
 6 following document(s) described as:

7 **PLAINTIFFS THOMAS WEISEL PARTNERS LLC AND THOMAS WEISEL
 8 INTERNATIONAL PRIVATE LIMITED'S SUPPLEMENTAL RESPONSES
 9 TO DEFENDANT BNP PARIBAS'S FIRST SET OF JURISDICTIONAL
 10 INTERROGATORIES:**

11 ☐ by transmitting via facsimile the document(s) listed above to the fax
 12 number(s) set forth below on this date before 5:00 p.m.

13 ☒ by placing the document(s) listed above in a sealed envelope with postage
 14 thereon fully prepaid, in the United States mail at San Francisco, California
 15 addressed as set forth below.

16 ☐ by transmitting via email the document(s) listed above to the email address(es)
 17 set forth below on this date before 5:00 p.m.

18 ☐ by placing the document(s) listed above in a sealed Federal Express envelope
 19 and affixing a pre-paid air bill, and causing the envelope to be delivered to a
 20 Federal Express agent for delivery.

21 ☐ by causing to have personally delivered by First Legal Support Services the
 22 document(s) listed above to the person(s) at the address(es) set forth below.

23 Joseph E. Addiego, III
 24 Davis Wright Tremaine LLP
 25 505 Montgomery Street, Suite 800
 26 San Francisco, CA 94111-6533
 27 Facsimile: 415-276-6599
 28 Email: joeaddiego@dwt.com

Leiv Blad
 Clifford Chance
 2001 K Street NW
 Washington, DC 20006-1001
 Facsimile: 202-912-6000
 Email: leiv.blad@cliffordchance.com

Attorneys for Defendants, BNP
 PARIBAS, BNP PARIBAS
 SECURITIES (ASIA) LIMITED

Attorneys for Defendants, BNP
 PARIBAS, BNP PARIBAS
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Michael Wilbur
 Cook Roos Wilbur Thompson LLP
 221 Main Street, Suite 1600
 San Francisco, CA 94105
 Facsimile: 415-362-7071
 Email: mwilbur@cookroos.com

Attorneys for Defendant PRAVEEN
 CHAKRAVARTY

PROOF OF SERVICE

1 I am readily familiar with the firm's practice of collection and processing
2 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal
3 Service on that same day with postage thereon fully prepaid in the ordinary course of
4 business. I am aware that on motion of the party served, service is presumed invalid if
postal cancellation date or postage meter date is more than one day after date of deposit for
mailing in affidavit.

5 I declare under penalty of perjury under the laws of the United States that the foregoing
6 is true and correct. Executed at San Francisco, California on July 25, 2008.

7 Bonnie Hastings
8 Bonnie Hastings
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13 HOWARD
14 RICE
EMERSONSKI
CANADY
FALK
#RASKIN
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PROOF OF SERVICE

**Exhibit 3 to
Declaration of Joseph E. Addiego III
In Support of BNP Paribas and BNP Paribas Securities (ASIA)LED'S Reply
Brief In Support of Motion to Dismiss the First Amended Complaint**

Redacted

FILED UNDER SEAL